

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

RACHEL MILLER; TEXAS DEMOCRATIC PARTY; DNC SERVICES CORP., d/b/a DEMOCRATIC NATIONAL COMMITTEE; DSCC; and DCCC,

Plaintiffs,

v.

RUTH HUGHS, in her official capacity as the Texas Secretary of State,

Defendant.

Civil Action No. 1:19-cv-01071-LY

ORDER

Plaintiffs Rachel Miller, Texas Democratic Party, DNC Services Corp., d/b/a Democratic National Committee (the “DNC”), DSCC, and DCCC have moved to enjoin Tex. Elec. Code § 52.091(b) (the “Ballot Order Statute”) for violations of the First and Fourteenth Amendments. Having considered Plaintiff’s Opposed Application for a Preliminary Injunction, arguments of counsel, and the record in this case, the Court finds that Plaintiffs have demonstrated both a strong likelihood of success on the merits and that, absent an injunction, they face immediate, irreparable injury from the Ballot Order Statute. The Court therefore enters the following order:

1. It is HEREBY ORDERED that Plaintiff’s Opposed Application for a Preliminary Injunction is GRANTED.
2. Defendant, her officers, agents, servants, employees, and all persons in active concert or participation with them are ENJOINED from taking any action to enforce, or implement the Ballot Order Statute;
3. Defendant, her officers, agents, servants, employees, and all persons in active concert or participation with them are ORDERED to implement a non-discriminatory name rotation system that gives similarly-situated major-party candidates an equal opportunity to be placed first on the ballot.

SIGNED this the _____ day of _____ 2019.

UNITED STATES DISTRICT JUDGE